

**APPENDIX D****PROPOSED SEARCHES**

<b>Maytag's Objection</b>	<b>Proposed Search</b>
Dyson has not included a search query for purposes of retrieving documents responsive to Maytag Document Request No. 52, which seeks all copies of advertising for the DC07, DC14 and DC15	Like the search proposed by Dyson, Maytag suggests using advert*. For example: Dyson or (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15)) <b>AND</b> advert*
Dyson has not included any search terms regarding its suction power chart comparing suction power of the Dyson DC07 with other vacuums	chart or graphic or compar* near 50 suction and (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7))

CHI:1732123.2

**APPENDIX E****Maytag's Response to Dyson's June 6, 2006 letter regarding Dyson's proposed keyword searches**

<b>Maytag's Objection</b>	<b>Dyson's Response</b>	<b>Maytag's Position</b>
<p>1. Dyson limits many of its searches to documents that also include the terms "United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC 07 or DC 7 or DC07 or DC7," this limitation will cause responsive documents to be missed.</p>	<p>Dyson has products other than the DC7, DC14 and DC15, and also sells its products in markets other than the United States. The limitation "United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC15 or DC 15 or DC 07 or DC 7 or DC07 or DC7" is designed to assist in identifying responsive documents that relate to the subject matter of this lawsuit. As we discussed, we are happy to consider any specific search term proposal that you may have to address your concerns.</p>	<p>Below please see Maytag's response to this issue with respect to specific searches.</p>
<p>2. Dyson has not included a general search query for purposes of retrieving documents responsive to Maytag Document Request Nos. 2 and 36, which seek "All documents relating or referring to the Defendant"</p>	<p>We objected to Maytag's Document Requests Nos. 2 and 36 in part because they were overbroad. We agreed to produce and/or make available responsive documents to the extent they related to Dyson's claims or Maytag's counterclaims</p>	<p>In an effort for uniform searches, Maytag requests that Dyson conduct the same exact search that Maytag plans to run. This search is:</p> <p>Hoover or Maytag ((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel</p>

<p>3. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 3, which seeks all documents relating to any of the patents-in-suit, e.g., patent application serial numbers, docket numbers, file numbers or any other number associated with the patents-in-suit.</p>		<p>or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900)AND Dyson or (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15))</p>
<p>3. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 3, which seeks all documents relating to any of the patents-in-suit, e.g., patent application serial numbers, docket numbers, file numbers or any other number associated with the patents-in-suit.</p>	<p>In response, Dyson proposes the following searches:</p> <p>(proto* near2 4.1-5) or (proto* near2 2 4.1-9) or 164,047 or 164047 or 628,346 or 628346 or 452,917 or 452917 or 274,252 or 274252 or 4,826,515 or 4826515 or '515</p> <p>(proto* near2 4.1-8) or 832,370 or 832370 or 4,643,748; or 4643748 or '748</p> <p>***</p> <p>(proto* near2 4.1-12) or 224,694 or 224694 or 4,853,008 or 4853008 or '008</p> <p>***</p> <p>(notetry near2 4.1-29) or 850,000 or 850000 or 5,858,038 or 5858038 or</p>	<p>The search terms need to address the technology disclosed and/or claimed in the patents. They should incorporate the words, terms, phrases, code names, etc. employed by Dyson and/or the inventors to contemporaneously describe the invention, technology and/or project. The search needs to use the terms and phrases that Dyson used to describe the invention, project or technology at the time of the invention. Patent numbers, while helpful, are too late in time to cover conception, development and reduction to practice. It is reasonable to assume that Dyson knows these terms.</p>

<p>'038</p> <p>***</p> <p>The above proposed amendments are intended to include U.S. patent serial numbers and attorney docket numbers that we located when reviewing the prosecution histories of the Patents-in-Suit. We have conferred with Dyson, and it has informed us that it is unaware of any internal Dyson file numbers associated with the Patents-in-Suit at the time of their invention.</p>	<p>Dyson proposes the following search:</p> <p>disc or separator or dual cyclone technology</p>	<p>4. Dyson has not included any search terms responsive to Maytag Document Request Nos. 9, 14, 18 and 24. Specifically, Dyson has not included any search terms related to the technology or inventions of the patents-in-suit apart from the patents themselves.</p>
<p>Maytag proposes the following search in lieu of Dyson's proposed search:</p> <p>disc or disk or separator or dual cyclone or shroud or tangential or frusto-conical or frustoconical or receiving near5 chamber or collecting near5 chamber or collection near5 chamber or ratio or bin or collar.</p>	<p>Maytag's Document Request Nos. 20 and 21, sought document "sufficient to show," Document Request No. 19 sought all "Plaintiffs' profit and loss statements and/or income statements for all years which income was derived from products made pursuant to the patents-in-suit." Accordingly, Maytag requests that Dyson run a search responsive to this request.</p>	<p>5. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request Nos. 19, 20, 21, and 23. These requests relate to Dyson's profits, income and financial statements.</p>

	the patents-in-suit or any U.S. products made by Dyson that employ technologies protected by the patents-in-suit. Accordingly, an e-search of all documents relating to the subject	
6. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request Nos. 28, 29 and 30, which seek documents related to Dyson's advertising budget and the amount of sales related to the advertising and marketing claims at issue in this case.	Maytag's Document Requests Nos. 28, 29 and 30 ask for "documents sufficient to show" certain information. We will provide such documents. Accordingly, an e-search of all documents relating to the subject matter of these documents requests is not required.	Maytag will accept Dyson's position with respect to requests Nos. 28, 29 and 30.
7. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 37, which seeks documents related to the profitability of products made or sold pursuant to the patents-in-suit and/or advertising and marketing claims at issue in this case	Maytag's Document Request No. 37 sought certain profit and sales information. Dyson has said that it will produce and/or make available documents sufficient to show that information. Accordingly, an e-search of all documents relating to the subject matter of this document request is not required.	Maytag's request was not for documents that are "sufficient to show," rather Maytag requested "all documents relating to the past, present or future actual or projected profitability of products made and or sold pursuant to the patents-in-suit and/or advertised or marketed in association with the advertising claims" at issue in this lawsuit. Accordingly, Maytag requests that Dyson run a search responsive to this request.
8. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 31, which seeks documents related to Dyson's document retention policy.	Maytag's Document Request No. 31 asks for "documents sufficient to show" certain information. Accordingly, an e-search of all documents relating to the subject matter of this document request is not required.	Maytag will accept Dyson's position with respect to Request No. 31. Further, Maytag notes that during the parties' May 30, 2006 conference call, Dyson stated that it does not have a document retention policy.



<p>9. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request Nos. 40, 41, 42, and 47, which seek documents related to any market share analysis, forecasts or goals related to products made or sold pursuant to the patents-in-suit and/or advertising and marketing claims at issue in this case.</p>	<p>Dyson proposes the search below.</p> <p>((Hoo* or Sprint) nearl0 U5025-900) or ((Hoo* or Elite) nearl0 U5061-900) or ((Hoo* or Tempo) nearl0 U5150-900) or ((Hoo* or FoldAway) nearl0 U5175-900) or ((Hoo* or Fusion) nearl0 U5180-900) or ((Hoo* or EmPower) nearl0 U5262-900) or ((Hoo* or EmPower) nearl0 U5262-910) or ((Hoo* or Windtunnel or WT) nearl0 U6425-920) or ((Hoo* or Windtunnel or WT) nearl0 U6432-900) or ((Hoo* or Windtunnel or WT) nearl0 U6439-900) or ((Hoo* or Windtunnel or WT) nearl0 U6446-900) or ((Hoo* or Windtunnel or WT) nearl0 U6616-900) or ((Hoo* or Windtunnel or WT) nearl0 U6616-900) or ((Hoo* or Windtunnel or WT) nearl0 U6630-900) or ((Hoo* or Windtunnel or WT) nearl0 U8120-900) or ((Hoo* or Savvy) nearl0 U8145-900)) and (market* or strateg* or business*) nearl0 (plan* or proposal* or projection* or analy* or strateg* or response*)</p>	<p>Maytag accepts Dyson's proposed search as modified. See below.</p> <p>((Hoo* or Sprint) nearl0 U5025-900) or ((Hoo* or Elite) nearl0 U5061-900) or ((Hoo* or Tempo) nearl0 U5150-900) or ((Hoo* or FoldAway) nearl0 U5175-900) or ((Hoo* or Fusion) nearl0 U5180-900) or ((Hoo* or EmPower) nearl0 U5262-900) or ((Hoo* or EmPower) nearl0 U5262-910) or ((Hoo* or Windtunnel or WT) nearl0 U6425-920) or ((Hoo* or Windtunnel or WT) nearl0 U6432-900) or ((Hoo* or Windtunnel or WT) nearl0 U6439-900) or ((Hoo* or Windtunnel or WT) nearl0 U6446-900) or ((Hoo* or Windtunnel or WT) nearl0 U6616-900) or ((Hoo* or Windtunnel or WT) nearl0 U6616-900) or ((Hoo* or Windtunnel or WT) nearl0 U6630-900) or ((Hoo* or Windtunnel or WT) nearl0 U8120-900) or ((Hoo* or Savvy) nearl0 U8145-900)) and (market* or strateg* or business*) nearl0 (plan* or proposal* or projection* or analy* or strateg* or response*) or training or pricing or sales education or compet* or goals or forecast or customers or incentive or information)</p>	<p>Maytag's request was not for documents that are "sufficient to show," rather Maytag's Document Requests Nos. 43 and 44 requested all documents relating to Plaintiffs' revenue analysis and revenue projections. Accordingly, Maytag requests that Dyson run a search responsive to</p>
<p>10. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request Nos. 43 and 44, which seek documents related to any revenue analysis or</p>	<p>Maytag's Document Requests Nos. 43 and 44 seek certain revenue-related information. Dyson has said that it will produce and/or make available documents sufficient to address those requests. Accordingly, an e-search of all documents relating to the subject matter of</p>	<p>Maytag's request was not for documents that are "sufficient to show," rather Maytag's Document Requests Nos. 43 and 44 requested all documents relating to Plaintiffs' revenue analysis and revenue projections. Accordingly, Maytag requests that Dyson run a search responsive to</p>	<p>Maytag's request was not for documents that are "sufficient to show," rather Maytag's Document Requests Nos. 43 and 44 requested all documents relating to Plaintiffs' revenue analysis and revenue projections. Accordingly, Maytag requests that Dyson run a search responsive to</p>

forecasts related to products made or sold pursuant to the patents-in-suit and/or advertising and marketing claims at issue in this case.	these document requests is not required.	this request.
11. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 51, which seeks documents related to Mike Rutter.	Dyson proposes running the following search:  (Mike or Michael) near3 Rutter	Maytag will accept Dyson's proposed search with the modification below.  <b>Rutter or (Mike or Michael) near3 Rutter)</b>
12. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request Nos. 55 and 63, related to proceedings before the NAD.	Maytag Document Request Nos. 55 and 63 ask for documents that substantiate certain advertising claims concerning the DC07, DC14, and DC15 and that relate to certain testing submitted to the NAD. Dyson's previously-proposed search terms already address testing of and substantiation of claims regarding the DC07, DC 14, and DC15. Accordingly, an additional search term is unnecessary.	Maytag accepts Dyson's position.
13. Dyson has not included a general search query for purposes of retrieving documents responsive to Maytag Document Request No. 54, which seeks all copies of advertising for the DC07, DC14 and DC15.	Maytag Document Request No. 54 asks for documents substantiating any claim in advertising concerning the DC07, DC14, and DC15. Because we have already proposed search terms that address testing of and substantiation of claims regarding the DC07, DC14, and DC15, an additional search term is unnecessary.  ***  In our conference call, you said that this objection also is based on Maytag's Document	Maytag's Document Request No. 52 requests " <u>any and all</u> copies of advertising in the United States, including but not limited to, print, radio, television, internet, point of purchase, free standing insert, brochures or literature or any other medium for the DC07, DC14 and DC15 Dyson upright vacuum cleaners" (emphasis added). Accordingly, Maytag requests that Dyson run an electronic document search responsive to this request. To this end, like the search proposed by Dyson, Maytag suggests

	Request No. 52. As we told you, Dyson will undertake reasonable efforts to search for relevant advertising in the United States for the DC07, DC14, and DC15, and, at your suggestion, we also will undertake reasonable efforts to search for relevant internet advertising.	using advertis*. For example: Dyson or (DC07 or (DC 07) or (DC07) or (DC 07) or (DC07) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15)) AND advert*
14. Dyson has not included any search terms for purposes of retrieving documents responsive to Maytag Document Request No. 58, which seeks documents related to annual sales and gross revenues attributable to the DC07, DC14 and DC15.	Maytag's Document Request No. 58 seeks sales and revenue information attributable to the DC07, DC14 and DC15. Dyson has said that it will produce and/or make available documents sufficient to show total annual sales and gross revenues attributable to the DC07, DC14 and DC15 in the United States since January 1,2000. Accordingly, an e-search of all documents relating to the subject matter of this document request is not required.	Maytag's request was not for documents that are "sufficient to show," rather Maytag's Document Requests No 58 requested "any and all documents related to annual sales or gross revenues attributable to the DC07, DC14, and DC15 Dyson upright vacuum cleaners in the United States..." (emphasis added). Accordingly, Maytag requests that Dyson run a search responsive to this request.
15. Dyson has not included any search terms for the purpose of retrieving documents responsive to Maytag Document Request No. 68, which seeks documents related to competition between Dyson and Maytag.	Dyson proposes the following search term, which is identical to the search term we requested that Maytag add to its e-search in our letter of May 23,2006:  (Maytag or Hoover) and (market*or compet*) and (vacuum* or upright*) and Dyson	Maytag accepts Dyson's proposed search term with the modification below.  (Maytag or Hoover) and (market*or compet*) <del>and</del> or (vacuum* or upright*) and Dyson
16. Dyson has not included any search terms related to its claims of "double the suction of other vacuums" and "Double the suction of other vacuums. After 10oz. of dust."	As we stated during our conference call, Dyson's proposed e-search terms already cover the subject matter of the stated claims. They are:  (10 or ten) near10 (dust and (United States or USA or U.S.A. or US or U.S. or DC14 or DC	The advertising claim at issue ("double the suction of other vacuums. After 10 oz. of dust.") does not reference Dyson or its model numbers or the United States. As such, Maytag requests that Dyson run this search without seeking a reference to the United States or a model



	14 or DC 15 or DC 15 or DC 07 or DC07 or DC7 or DC07 or DC 07)) (double near10 suction near10 vacuum") and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC 07))	number. See below. (10 or ten) near10 (dust and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC 07)) and (double near10 suction near10 vacuum") and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC 07))
17. Dyson has not included any search terms related to its claims concerning its Root8Cyclone.	Dyson proposed the following search:  Root8Cyclone and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC 07)	Maytag accepts this search as modified below.  Root8Cyclone and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC 07 or Dyson.
18. Dyson has not included any search terms related to its claim that "When it comes to vacuuming, nothing is more important than suction."	Dyson proposed the following search:  vacuum* near5 nothing near5 important near5 suction	Maytag accepts Dyson's proposed search.
19. Dyson has not included any search terms related to its claim that "Higher volumes of air are spread simultaneously through many cyclones to give higher constant suction power - which means you pick up even more dust."	Dyson proposed the following search:  (higher volumes) near10 cyclone* near10 (suction power) near10	Maytag proposes the search below in lieu of Dyson's proposed search.  <b>higher or constant near10 suction</b>
20. Dyson has not included any search terms related to its claim that	Dyson proposed the following search:	Maytag proposes the search below in lieu of Dyson's proposed search.

"Dirt and dust are thrown out of the airflow and collected in the bin, not on filters or bags."	dirt near5 dust near10 airflow near15 bin filter* bag*	dirt or dust near20 bin or filter or bag
21. Dyson has not included any search terms regarding its suction power chart comparing suction power of the Dyson DC07 with other vacuums.	During our conference call, you agreed to propose a search term to address the concerns raised in your objection no. 21	Maytag proposes the search below:  chart or graphic or compar* near 50 suction or power and (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7) or Dyson)
22. Dyson has not included any search terms regarding the composition of its vacuums, i.e., whether the vacuums are made of plastic.	Dyson already has proposed a search term to pick-up documents related to its past "Liquid Steel" claims  Liquid Steel and (United States or USA or U.S.A. or US or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)  To the extent available, Dyson also will produce and/or make available documents sufficient to show the composition of the plastic material described as "Liquid Steel" on certain Dyson vacuum cleaners sold in the past.	Maytag accepts the search as modified below.  <del>Liquid Steel or ABS and (United States or USA or U.S.A. or US or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</del>
23. Dyson has not included any search terms related to its claim that it invented cyclone technology.	Dyson proposes the following search:  invent* near5 cyclon* near5 technology.	Maytag proposes the search below in lieu of Dyson's proposed search:  invent* near10 cyclon* or technology
24. Maytag recommended additional searches  a. vac* near10 (work properly or work effectively)	Below are Dyson's responses to these searches.  a. vac* near10 (work properly or work effectively) and (United States or USA or U.S.A. or US or DC14 or DC	a. Maytag accepts this search as modified below.  vac* near10 (work properly or work effectively)

<p>b. clog* near 10 (bag* or filter*)</p>	<p>14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p> <p>b. The following search term already addresses the subject matter of your proposed search term: (filter* filtration) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC o7)</p> <p>c. Dyson will use Maytag's proposed search instead of its current search: integral hose near50 invent*</p> <p>d. Dyson is amenable to the proposed search term.</p> <p>e. Search term is too broad.</p> <p>f. Dyson is amenable to the proposed</p>	<p>and (United States or USA or U.S.A. or US or US. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)</p> <p>b. Dyson's search does not address the subject matter at issue, as it does not reference clog or bag. As such, Maytag proposes the search below: clog* near 10 (bag* or filter* or filtration) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC o7 or Dyson)</p> <p>c. Okay.</p> <p>d. Okay.</p> <p>e. Maytag withdraws its request that Dyson run this search.</p> <p>f. Maytag accepts this search as modified..</p>
<p>c. (integral or hose or cyclone*) near 50 invent*</p>		
<p>d. (perform* or data) near50 test* and (United States or USA or U.S.A. or US or U.S. or or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC o7)</p>		
<p>e. Maytag or Hoover near 25 vac*</p>		

<p>f. More near 10 (dirt or dust)</p>	<p>search if it is limited, as follows: More near 10 (dirt or dust) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07)</p>	<p>More near 10 (dirt or dust) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07 <b>and Dyson</b>)</p>
<p>g. Power* near 10 upright</p>	<p>g. Dyson is amenable to the proposed search if it is limited, as follows:  Power* near 10 upright and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07)</p>	<p>g. The advertising claims at issue ("the most powerful upright," "the most powerful upright for pet hair," and "the most powerful upright vacuum cleaner available") do not reference Dyson model numbers or the United States. As such, Maytag requests that Dyson run this search without seeking a reference to the United States or a model number. See below.</p>
<p>h. Perform near 10 better</p>	<p>h. Dyson is amenable to the proposed search if it is limited, as follows:  Perform near10 better and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07)</p>	<p>Power* near 10 upright and <del>(United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07)</del></p>
<p>i. More near 10 suction</p>	<p>i. Dyson is amenable to the proposed search if it is limited, as follows:</p>	<p>h. Maytag accepts this search as modified below.</p>
		<p>Perform near10 better and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC07 or DC07 or DC 07 <b>or Dyson</b>)</p>
		<p>i. Maytag accepts this search as modified below.</p>

<p>j. (pre-motor or motor) near10 filter</p>	<p>More near10 suction and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p> <p>j. The following Dyson search terms already address this subject matter. (filter* filtration) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07)</p>	<p>More near10 suction and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)</p> <p>j. Dyson's proposed search term does not address the term "pre-motor". As such, Maytag requests that Dyson run its proposed search.</p>
<p>k. (Home or field) near 10 test</p>	<p>k. Dyson is amenable to the proposed search if it is limited, as follows:  (Home or field) near10 test and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p> <p>k. Maytag accepts this search as modified below.</p>	<p>(Home or field) near10 test and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)</p>
<p>l. (more near10 use) near20 (less near10 work)</p>		<p>l. The advertising claims at issue ("Other vacuums - the more you use them, the less they work" does not reference Dyson model numbers or the United States. As such, Maytag requests that Dyson run this search without seeking a reference to the United States or a model number. See below.  (more near10 use) near20 (less near10 work) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p>



<p>m. kill* near10 bacteria or mold or allergen*</p> <p>n. clean* near10 effect*</p> <p>o. training near10 material</p>	<p>m. Dyson already has a search term on the subject of Dyson's advertising claim that the DC7, DC14 and DC15 are "Approved for allergy sufferers." It reads as follows: approv* near10 allerg* and (United States (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p> <p>n. Dyson is amenable to the proposed search if it is limited, as follows:</p> <p>(clean* near10 effect*) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)</p> <p>o. Dyson is amenable to the proposed search if it is limited, as follows:</p> <p>training near10 material and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7</p>	<p><del>07 or DC07 or DC7 or DC07 or DC o7</del>)</p> <p>m. Dyson's claim that its vacuums are approved for allergy sufferers implies that its vacuums kill bacteria, mold and allergens. As such, this request will lead to discoverable evidence relevant to the advertising claim. Maytag requests that Dyson run its proposed search.</p> <p>n. Maytag accepts this search as modified below.</p> <p>(clean* near10 effect*) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)</p> <p>o. Maytag accepts this search as modified below.</p> <p>training near15 and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson or Sears or Best Buy or Target or Wal-Mart)</p>
<p>25. Maytag suggested that Dyson narrow the following keyword searches:</p> <p>a. test* near 50 (#eleg* and</p>	<p>a. Too broad</p>	<p>a. Maytag modifies its requested search and</p>

<p>(United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC 15 or DC 07 or DC 7 or DC07 or DC7)</p> <p>b. *substantiat* near 10 elaim and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC 7 or DC07 or DC7)</p> <p>c. test*-near-10 ((animal* or pet) near 10 hair*) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC 07 or DC 7 or DC07 or DC7)</p>	<p>b. Too broad</p> <p>c. Dyson will run this search as narrowed by Maytag.</p>	<p>requests that Dyson run the search below.</p> <p>test* near 50 (suction and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC 7 or DC07 or DC7 and Dyson)</p> <p>b. Maytag withdraws its request regarding this search.</p> <p>c. Maytag requests that Dyson run this search as modified below: ((animal* or pet) near 10 hair*) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC 07 or DC 7 or DC07 or DC7 and Dyson)</p>
<p>26. Maytag suggested that Dyson expand the following searches.</p> <p>a. (Maytag or Hoover) and (paten* or infrng* or suit or lawsuit or litigation or copy* or copied or knock-off or imit*)</p>	<p>a. Dyson will run this search by adding "imit"</p>	<p>a. Okay.</p>

<p>b. High Court and Hoover or Maytag</p> <p>c. suction near 10 (*clog* constant* first half loss power* power* los* defect* carpet* bag* cyclon*)</p>	<p>b. Dyson will run this search by adding "or Maytag"</p> <p>c. Dyson will add our terms with the exception of los*. Because every e-mail sent by Dyson employees contains the words "doesn't lose suction," Dyson claims it cannot add the term "los*" as it will the search unreasonably broad, defeating the purpose of the terms.</p>	<p>b. Okay</p> <p>c. Maytag requests that Dyson run this search with the connector "or" as follows: suction near 10 (*clog* or constant* or first or half or loss or power* or los* or defect* or carpet* or bag* or cyclon*)</p> <p>Further, Maytag requests that Dyson formulate its search in such away as to not capture e-mails which contain Dyson's tag line "doesn't lose suction".</p>
<p>d. (filter* filtration) near 25 clog*</p> <p>e. force near 10 gravit* centrifugal g-force 100,000</p> <p>f. design flaw near 10 bag* bin* clog* filter* defect* suction *</p> <p>g. (consumer research or</p>	<p>d. Dyson's search of (filter* filtration) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC o7) covers the proposed addition.</p> <p>e. Dyson will add search in parenthetical phrase: force near10 (gravit* or centrifugal or g-force or 100,000)</p> <p>f. Too broad. Use current Dyson search: "design flaw near 10 (bag* bin* *clog* filter*)</p> <p>g. Dyson will run this search by adding</p>	<p>d. Okay</p> <p>e. Okay</p> <p>f. We disagree with Dyson's contention that this search is too broad and request that Dyson run the search as proposed by Maytag.</p> <p>g. Maytag requests that Dyson run this</p>

<p>target audience or copy strategy or copy direction or advertising copy or creative brief or brand recognition or competitive advertising or positioning statement or in-market study or first launch or tracking study or marketing strategy or media schedule or market research or network clearance or network inquiry) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC15 or DC 07 or DC 7 or DC07 or DC7)</p> <p>h. Maytag or Hoover near 10 (distributor* supplier* wholesale* retail*)</p>	<p>"consumer research"</p> <p>h. Dyson will run this search by adding "Maytag"</p>	<p>search as modified below. (consumer research or target audience or copy strategy or copy direction or advertising copy or creative brief or brand recognition or competitive advertising or positioning statement or in-market study or first launch or tracking study or marketing strategy or media schedule or network clearance or network inquiry) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC15 or DC07 or DC 7 or DC07 or DC7 or Dyson)</p> <p>h. Maytag requests that Dyson run the search as modified below. <b>Maytag or Hoover near 10 (distribut* or suppl* or wholesale* or retail*)</b></p>
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July 21, 2006

### VIA FACSIMILE & U.S. MAIL

Sullivan & Cromwell LLP  
125 Broad Street  
New York, New York 10004-2498

Attention: Keith McKenna

Re: Dyson Technology Ltd., et al. v. Maytag Corporation

Dear Keith:

This letter is in follow-up to your July 12, 2006 letter regarding the parties' proposed e-discovery keyword search terms. This letter also will address some of Maytag's concerns regarding discovery in this lawsuit.

**E-Discovery:** In recognition of the burdensome nature of running the many proposed keyword searches and in an effort to provide everyone with the information requested, Maytag would like to make the following proposal. Maytag is willing to run a search for all electronic documents that reference Dyson or any of the relevant Dyson model numbers, provided that Dyson run an e-search for all documents that reference Maytag or Hoover or any of the relevant Hoover model numbers. The parties then will produce all relevant documents they retrieve there from. Maytag offers this proposal in an effort to simplify this process, which has become arduous, time-consuming and to date has not provided the parties with the information we need. We look forward to hearing your response to this idea as we believe our suggestion would greatly simplify and expedite the e-discovery process. Additionally, attached are appendices that provide Maytag's response to Dyson's position concerning specific outstanding keyword searches. Also, we have not received from you any searches responsive to our third and fourth sets of document requests and assume that you will formulate these searches and provide them to us. We look forward to your response on these issues.

WINSTON & STRAWN LLP

Sullivan & Cromwell LLP  
K. McKenna  
July 21, 2006

**Hard Copy Files:** Within the next few days, we will send you over 17,000 documents that are responsive to your discovery requests. These documents are from the hard copy files of Maytag employees. We are very concerned that you are not similarly conducting a search of your hard copy files. To date, we have received a limited number of Dyson documents. The documents we have received are mostly public information related to the patents at issue and we have not received a single document related to the advertising portion of this case. While we realize that e-discovery is on-going, we question why we have not received documents from Dyson employees' hard copy files. Dyson disclosed over thirty people who may have responsive documents, yet we have not seen their documents. In addition, Dyson listed in its initial disclosures four testing facilities and eight advertising/public relations agencies with responsive documents; however, we have not seen one Dyson document referencing any of these entities. Inexplicably, Dyson has not even provided us with any of its advertisements, which are at the heart of this lawsuit. It is hard to believe that this information is not easily accessible in the files of Dyson employees. Please provide us with information regarding the status of your search of Dyson hard copy files. If we do not receive this information soon, we will have no choice but to seek intervention from the Court.

Sincerely,



Lisa J. Parker

LJP:caj

Enclosure

cc: Kimball R. Anderson  
Stephen P. Durchslag  
Ray L. Weber  
Brian D. Fergemann  
Richard C. Pepperman II  
Steven F. Reich

**APPENDIX A****PROPOSED ADDITIONS TO MAYTAG'S E-DISCOVERY SEARCH TERMS**

Below are keyword searches that Dyson proposes Maytag run.

<b><u>DYSON'S PROPOSAL</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
(nozzle* or hose*) <del>and</del> near 50 suction <del>and</del> Dyson	(nozzle* or hose*) near1050 suction and (vacuum or upright)
((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900)) and (market* or strateg* or business*) near10 (plan* or proposal* or projection* or analy* or strateg* or response*)- <del>and finance*-and Dyson</del>	Okay, provided Dyson run the same search, but with its model numbers. See below.  (Dyson or DC07 or DC 07 or DCO7 or DC O7 or DCo7 or DC o7 or DC7 or DC 7 or DC14 or DC 14 or DC15 or DC 15) and (market* or strateg* or business*) near10 (plan* or proposal* or projection* or analy* or strateg* or response*)
(ASTM or (American Society for Testing)) and (*558 or *608 or f11.93.05 or f11 or vacuum* or upright* or suction or pick-up or filt* or Dyson)	(ASTM or (American Society of Testing)) and (*558 or *608) Dyson or (DC07 or (DC 07) or (DCO7) or (DC O7) or (DCo7) or (DC o7) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15)) or ((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432- 900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel

<u>DYSON'S PROPOSAL</u>	<u>MAYTAG'S RESPONSE</u>
	or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy)near10 U8145-900))
(consumer or buyer) and (upright* or vacuum* or clean*) and (carpet* or hard* or *wood or bare or floor* or tile*)	(consumer or buyer) and <b>clean*</b> and (upright* or vacuum* or clean*) and (carpet* or hard* or *wood or bare or floor* or tile*)
(sport utility vacuum) or (Harris Interactive) or (HI near10 survey) near50 (press release)	(sport utility vacuum) <del>or</del> and (Harris Interactive) or (HI near10 survey) near50 (press release)
((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900)) and (hard* or *wood or bare or floor* or tile)	Okay
(upright* or vacuum*) near10 per near10 (household* or home*)	Okay
((Bissell or Lift-Off) near10 6595) or ((Bissell or Cleanview) near10 3575-5) or ((Eureka or Ultra Smart) near10 4870-A) or (Eureka or Ultra Whirlwind) near10 4885) ((Fantom or Twister) near10 FM760) or ((Fantom or	We have concluded that this search is too burdensome. We cannot run this search.

<u>DYSON'S PROPOSAL</u>	<u>MAYTAG'S RESPONSE</u>
<p>Twister) near10 FM780) or ((Hoo* or Sprint near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900) or ((Ken* or Progressive) near10 116- 31723-100) or ((Ken* or Progressive) near10 116-31912-100) or ((Ken* or Progressive) near10 116-31912-103) or ((Ken* or Progressive) near10 116-34612-305) or (Oreck near10 XL2) or ((Pan* or Dual Sweep) near10 MC-V7515) or ((Royal or (Dirt Devil) or Platinum Vision) near10 091210) or ((Royal or (Dirt) Devil) or Vision) near10 091210) or ((Royal or (Dirt Devil) or Cruiser) near10 091700) or (Shark near10 UV219CS0) or ((Sharp or Multi Floor*) near10 EC-T5180A) or (Vax near10 X5) or ((Westing* or whs or Wired or WST) near10 1500) or ((Westing* or whs or Unplugged or WST) near10 1600) or Biss* near10 3575) or (Eureka near10 4870) or (Eureka near10 4885) or (Hoo* near10 Empower) or (Hoo* near10 6439) or (Hoo* near10 Savvy) or (Ken* near10 912-103) or (Ken* near10 612-305) or (Pan near10 Dual) or (Vax near10 X5) or (WHs near10 Unplug*)) and (suction or dirt* or dust or (pet hair) or debris or cyclon* or clog* or filt*)</p> <p><del>and test* or analys* and Dyson</del></p>	



**APPENDIX B****PROPOSED REVISIONS TO MAYTAG'S E-DISCOVERY SEARCH TERMS**

Below are revisions that Dyson proposes Maytag should make to its searches.

<b><u>DYSON'S PROPOSAL</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
<p>((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900)) and (advert* or clean* or consumer or market* or perform* or promot* or sales or strateg* or suction or test*)</p>	<p>Dyson's request is overly broad. Maytag, however, will run a search which includes its Hoover models and sales, provided that Dyson is willing to run a similar search. See below.</p> <p><b><u>Proposed Maytag search:</u></b>            ((Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Windtunnel or WT) near10 U8130-900) or ((Hoo* or Savvy) near10 U8145-900)) and sales</p> <p><b><u>Proposed Dyson search:</u></b>            (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or (DC o7) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15)) and (sales)</p>
<p>"Good Housekeeping" (from March through December 2005) and Dyson or Hoover <del>and \$11.93.05</del></p>	<p>Okay</p>
<p>(vacuum* or upright*) near 50 surface*</p>	<p>We will not run this search. It is too broad.</p>
<p>(vacuum* or upright*) near 50 floor*</p>	<p>We will not run this search. It is too broad.</p>

**APPENDIX C****MAYTAG'S REVISED KEYWORD SEARCH LIST**

Below are searches Dyson asks that Maytag add to its keyword search list.

<b><u>DYSON'S PROPOSAL</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
(DC07 or (DC 07) or (DCO7) or (DC O7) or (DCo7) or (DC o7) or DC7 or (DC 7))  (DC14 or (DC 14))  (DC15 or (DC 15))	As discussed in our attached letter, Maytag is willing to run a search for all relevant Dyson models and the word "Dyson" provided that Dyson run a search of all relevant Hoover models and the words "Hoover or Maytag."
Dyson and business Dyson and market* Dyson and NAD Dyson and sales	See above.
Instruction and <del>Model No.</del> U6616-900 or U5753-900 or U8163-900 or U5402-900 or 5453-900	Okay
consumers and preferences	consumers and preferences and (vacuum* or upright*)
clean and "hard floor"	This is already covered by other searches.
los* and suction	Maytag will run this search, provided that Dyson run the same exact search.
test* and NAD	Okay
nozzle and hose	This is already covered by other searches.
clean and Savvy	There are already sufficient searches related to the Savvy. Maytag will not run this search..

**APPENDIX D****MAYTAG'S PROPOSED SEARCHES TO DYSON**

Below are searches that Maytag asked Dyson to run.

<b><u>DYSON'S RESPONSE TO MAYTAG'S PROPOSED SEARCH</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
Dyson or (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7)) or (DC14 or (DC 14)) or (DC15 or (DC 15)) <b>AND near50 advert*</b>	Okay
chart or graphic or <del>compar*</del> near 50 suction and (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7))	chart or graph* <del>ie</del> near 50 suction and (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7))

**APPENDIX E****DYSON'S RESPONSE TO MAYTAG'S OBJECTIONS**

Below are Dyson's responses to searches that Maytag asked it to run.

<b><u>DYSON'S RESPONSE TO MAYTAG'S PROPOSED SEARCH</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
<p>Dyson will not run the searches below.</p> <p>(proto* near2 4.1-5) or (proto* near2 2 4.1-9) or 164,047 or 164047 or 628,346 or 628346 or 452,917 or 452917 or 274,252 or 274252 or 4,826,515 or 4826515 or '515</p> <p>(proto* near2 4.1-8) or 832,370 or 832370 or 4,643,748; or 4643748 or '748</p> <p>***</p> <p>(proto* near2 4.1-12) or 224,694 or 224694 or 4,853,008 or 4853008 or '008</p> <p>***</p> <p>(notetry near2 4.1-29) or 850,000 or 850000 or 5,858,038 or 5858038 or '038</p>	<p>Either Dyson will run the searches or Maytag will file a motion to compel.</p>
<p>((disc or disk) near 50 cyclon* or hair or strand) or separator or dual cyclone or shroud or tangential or frusto-conical or frustoconical or ((receiving near 5 chamber) or ((collecting near 5 chamber) or (collection near5 chamber) <del>and or ratio) or bin or collar</del></p>	<p>Maytag asks that Dyson run the search as it suggested:</p> <p>((disc or disk) near 50 cyclon* or hair or strand) or separator or dual cyclone or shroud or tangential or frusto-conical or frustoconical or ((receiving near 5 chamber) or ((collecting near 5 chamber) or (collection near5 chamber) or ratio) or bin or collar</p>
<p>Dyson will not run searches related to Maytag's requests below:</p> <p>1) Maytag Document Request Nos.19, 20, 21, and 23. (Profit &amp; Loss information);</p> <p>(2) Maytag Document Request No. 37, which seeks documents related</p>	<p>Either Dyson will run the searches or Maytag will file a motion to compel.</p>

<b><u>DYSON'S RESPONSE TO MAYTAG'S PROPOSED SEARCH</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
<p>to the profitability of products at issue in this case;  3) Maytag Document Request Nos. 43 and 44, which seek documents related to any revenue analysis or forecasts; and  (4) Maytag Document Request No. 58, which seeks documents related to annual sales and gross revenues</p>	
<p>(Hoo* or Sprint) near10 U5025-900) or ((Hoo* or Elite) near10 U5061-900) or ((Hoo* or Tempo) near10 U5150-900) or ((Hoo* or FoldAway) near10 U5175-900) or ((Hoo* or Fusion) near10 U5180-900) or ((Hoo* or EmPower) near10 U5262-900) or ((Hoo* or EmPower) near10 U5262-910) or ((Hoo* or Windtunnel or WT) near10 U6425-920) or ((Hoo* or Windtunnel or WT) near10 U6432-900) or ((Hoo* or Windtunnel or WT) near10 U6439-900) or ((Hoo* or Windtunnel or WT) near10 U6446-900) or ((Hoo* or Windtunnel or WT) near10 U6616900) or ((Hoo* or Windtunnel or WT) near10 U6616-900) or ((Hoo* or Windtunnel or WT) near10 U6630-900) or ((Hoo* or Windtunnel or WT) near10 U8120-900) or ((Hoo* or Savvy) near10 U8145-900)) and (market* or strateg* or business*) near10 (plan* or proposal* or projection* or analy* or strateg* or response*)</p>	<p>Because this search is related to Dyson's market share analysis, forecasts or goals related to the patents-in-suit and/or advertising claims at issue the search should reference Dyson models, not Hoover. As such, Maytag requests that Dyson run the search below.</p> <p><b>Dyson or (DC07 or (DC 07) or (DC07) or (DC 07) or (DCo7) or(DC 07) or DC7 or (DC 7) or (DC14 or (DC 14)) or (DC15 or (DC 15)) and (market* or strateg* or business*) near10 (plan* or proposal* or projection* or analy* or strateg* or response*)</b></p>
<p>(Maytag or Hoover) and market* or compet*) and (vacuum* or upright*) and Dyson</p>	<p>Okay</p>
<p>higher near3 volume* near50 constant near3 suction</p>	<p>Maytag requests that Dyson run the search it proposed:</p> <p><b>higher or constant near10 suction</b></p>



<u><b>DYSON'S RESPONSE TO MAYTAG'S PROPOSED SEARCH</b></u>	<u><b>MAYTAG'S RESPONSE</b></u>
(dirt or dust) near20 (airflow or thrown) near15 (bin or filter or bag)	Maytag requests that Dyson run the search it proposed:  dirt or dust near20 bin or filter or bag
Liquid Steel	Okay
invent* near10 (cyclon* or technology)	Okay
More near 10 (dirt or dust) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7)	Maytag requests that Dyson run the search it proposed as the claim at issue does not reference the model number, but Dyson.  More near 10 (dirt or dust) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7) <b>and Dyson</b>
Power* near5 upright	Okay
Perform near5 better and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)	Okay
More near5 cyclone near10 suction and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)	Okay
pre-motor near10 (filter* filtration) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC 07)	(pre-motor <b>or motor</b> ) near5 (filter* filtration)
(clean* near5 effect*) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson)	Okay

<b><u>DYSON'S RESPONSE TO MAYTAG'S PROPOSED SEARCH</u></b>	<b><u>MAYTAG'S RESPONSE</u></b>
training near10 material and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson or Sears or Best Buy or Target or Wal-Mart)	(Merchand* or Train* or Edu*) and Material* and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC07 or DC7 or DC07 or DC o7 or Dyson or Sears or Best Buy or Target or Wal-Mart)
suction near 10 (*clog* or constant* or first or half or loss or power* or <del>los</del> * or defect* or carpet* or bag* or cyclon*)	Dyson must include "or los" in its search. Dyson's loss of suction claim is critical to this lawsuit. As a result, Dyson must find a way to locate responsive documents, despite its e-mail tag line.
consumer research or target audience or copy strategy or copy direction or advertising copy or creative brief or brand recognition or competitive advertising or positioning statement or in-market study or first launch or tracking study or marketing strategy or media strategy or media schedule or market research or network clearance or network inquiry) and (United States or USA or U.S.A. or US or U.S. or DC14 or DC 14 or DC 15 or DC15 or DC 07 or DC 7 or DC07 or DC7 or <del>Dyson</del> )	Maytag requests that Dyson run its proposed search and include the word <b>Dyson</b> , as "Dyson" not just model numbers are referenced in advertisements.

CHI:1757963.1



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July 26, 2006

### VIA E-MAIL AND FACSIMILE

Lisa J. Parker, Esq.  
Winston & Strawn  
35 West Wacker Drive  
Chicago, Illinois 60601-9703

Re: Dyson Technology Ltd., et al. v. Maytag Corporation

Dear Lisa:

This letter responds to your letter of July 21, 2006, regarding electronic discovery issues. As we discussed on the telephone yesterday afternoon, Dyson is willing to accept your proposal to streamline the parties' e-discovery search terms, subject to the following conditions:

(1) The parties' agreement to streamline and simplify keyword search terms does not absolve them from producing responsive electronic documents that, after conducting a good-faith inquiry to determine the location of relevant electronic documents, they know exist, but are not captured by the streamlined search terms. For example, despite the agreed streamlined approach, Maytag agrees that it will produce responsive e-mails from the e-mail folder maintained by Nick Bosyj relating to Hoover's Nova/Fusion vacuum cleaner. *See, e.g.*, Bosyj dep. at page 42, line 20 through page 43, line 3. Similarly, to the extent that other members of the Nova/Fusion team maintained e-mail folders related to their work as a member of that team, those folders will be searched as well, and all responsive e-mails will be produced. Moreover, if relevant, non-privileged documents of a party are identified at a deposition and those documents have not previously been produced, the parties agree to take reasonable steps to locate and produce those documents.

(2) Because Dyson already had begun its electronic document review prior to receiving your July 21 letter, to put the parties on equal footing, Dyson attorneys need not review for production any of the electronic documents that may have been flagged by document reviewers as potentially relevant to this action (unless those same documents are "hit" using the new agreed search terms and are determined to be responsive).

Lisa J. Parker, Esq.

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(3) In addition to the search that you proposed in your July 21 letter, the parties also would conduct the following keyword search for documents concerning relevant ASTM and IEC standards and committee meetings:

(tc adj "59") or tc59 or (sc adj 59\*) or sc59 or (wg adj "3") or wg3 or (f adj 11) or f11 or f558 or f608 or "60312" or ((ASTM or IEC) near50 (\*558 or \*608 or upright or vacuum))

Thus, to summarize, the parties would be obligated to undertake the following key word searches:<sup>1</sup>

Dyson's searches:

**Search No. 1**

Maytag or Hoover or ((Hoo\* or Sprint) near10 (U5025 adj "900")) or ((Hoo\* or Elite) near10 (U5061 adj "900")) or ((Hoo\* or Tempo) near10 (U5150 adj "900")) or ((Hoo\* or FoldAway) near10 (U5175 adj "900")) or ((Hoo\* or Savvy) near10 (U8145 adj "900")) or ((Hoo\* or Fusion) near10 (U5180 adj "900")) or ((Hoo\* or EmPower) near10 (U5262 adj "900")) or ((Hoo\* or EmPower) near10 (U5262 adj "910")) or (Hoo\* or Windtunnel or WT) near10 ((U6425 adj "920") or (U6432 adj "900") or (U6439 adj "900") or (U6446 adj "900") or (U6616900) or (U6616 adj "900") or (U6630 adj "900") or (U8120 adj "900"))

**Search No. 2**

(tc adj "59") or tc59 or (sc adj 59\*) or sc59 or (wg adj "3") or wg3 or (f adj 11) or f11 or f558 or f608 or "60312" or ((ASTM or IEC) near50 (\*558 or \*608 or upright or vacuum))

Maytag's searches:

**Search No. 1**

Dyson or DC14 or DC "14" or DC "15" or DC15 or DC "07" or DC07 or DC7 or DC "7" or DCo7 or DC o7

<sup>1</sup> Depending on the computer search program that is utilized, these searches may need to be modified slightly or broken up into separate searches. If that is the case, the parties would have to agree that they will formulate their searches in a manner that achieves the same result as that set out in this letter.

Lisa J. Parker, Esq.

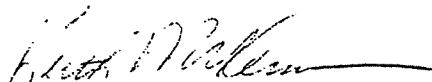
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**Search No. 2**

(tc adj "59") or tc59 or (sc adj 59\*) or sc59 or (wg adj "3") or wg3 or (f adj 11) or f11 or f558 or f608 or "60312" or ((ASTM or IEC) near50 (\*558 or \*608 or upright or vacuum))

As Dyson's search of electronic documents is already underway, I would appreciate it if you would advise me by close of business today whether Maytag is agreeable to the above conditions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Keith McKenna", with a long horizontal flourish extending to the right.

Keith McKenna

cc: Francis DiGiovanni (by e-mail only)  
(Connolly Bove Lodge & Hutz LLP)

Ray L. Weber (by e-mail only)  
(Renner, Kenner, Greive, Bobak, Taylor & Weber)





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August 4, 2006

### VIA FEDERAL EXPRESS

Manatt Phelps & Phillips LLP  
11355 West Olympic Boulevard  
Los Angeles, CA 90064

Attention: Tamar Feder

Re: Dyson Technology Ltd., et al. v. Maytag Corporation

Dear Tamar:

This letter is in follow-up to our phone discussion this morning. Enclosed for production please find two disks containing documents bates-stamped MAY000452-MAY017896. Also, enclosed are other responsive materials (seven disks and one VHS videotape). Additionally, I have sent a duplicate of our production to Keith McKenna at Sullivan & Cromwell.

As we discussed during our phone call, the parties will continue to keep each other apprised of their progress in gathering responsive electronic documents. Also, I will arrange a teleconference next week, so we can schedule depositions in this case, as well as discuss any issues related to the depositions. Please contact me with any questions.

Sincerely,



Lisa J. Parker

LJP:caj

Enclosure

WINSTON & STRAWN LLP  
Manatt Phelps & Phillips LLP  
T. Feder  
August 4, 2006

cc: Kimball R. Anderson  
Stephen P. Durchslag  
Ronald Y. Rothstein  
Ray L. Weber  
Keith McKenna (enclosure)  
Richard C. Pepperman II  
Steven F. Reich